

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Yasunori FUKUMITSU, et al.

EXAMINER: Richard B. Franklin

U.S.S.N.: 10/649,228

GROUP: 2182

FILED: August 26, 2003


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FOR: A DATA TRANSFERRING APPARATUS FOR TRANSFERRING LIQUID
EJECTION DATA AND A LIQUID EJECTING APPARATUS

CERTIFICATE OF EXPRESS MAILING (Label No.: EV 754861957 US)

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. Section 1.10, on November 14, 2005 and is addressed to Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450

By


Nicole M. McKinnon

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE
PROVISIONAL DOUBLE PATENTING REJECTION PURSUANT TO 37 C.F.R. §1.321(c)

Sir:

I, John J. Penny, Jr., represent that I am an attorney of record for the above-referenced application -- U.S. Serial No. 10/649,228 (hereinafter '228 application).

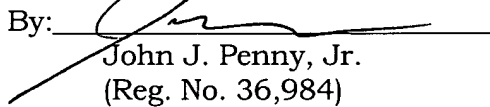
The assignee, Seiko Epson Corporation, owns the entire right, title and interest in the '228 application by virtue of an assignment recorded on December 9, 2003 at Reel 014793, frame 0830. The assignee, Seiko Epson Corporation, also owns the entire right, title and interest in U.S. Serial No. 10/649,578 (hereinafter '578 application) by virtue of an assignment recorded on December 9, 2003 at reel 014793, frame 0843.

The terminal part of the statutory term of any patent granted on the '228 application that would extend beyond the expiration date of the full statutory term, or any extensions thereto, defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the '578 patent application forming the basis of the double patenting rejection, is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the '228 application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent granted on the '578 application. This agreement shall run with any patent granted on the above-identified application and to be binding upon the grantee, its successors and assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the '228 application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of any patent granted on the '578 application, in the event that any such patent granted on the '578 application later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminal disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued in any matter, or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for separation of legal title stated above.

Please find attached a check in the amount of \$130.00, which is the required filing fee in accordance with 37 C.F.R. § 1.321(b)(4) and 37 C.F.R. § 1.20(d). If additional money is required, please charge Deposit Account No. 04-1105.

Date: November 14, 2005
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